

Section 102(e) Rejection:

The Office Action rejected claims 1-4, 9-12, 18 and 20-21 under 35 U.S.C. § 102(e) as being anticipated by Shimizu (U.S. Patent 6,175,918). Applicants assert that pending claims 1-4, 9-12, 18 and 20-21 are not anticipated by Shimizu for at least the following reasons.

Shimizu does not teach a failover server implemented on said client computer system, wherein said failover server is configured to provide network environment functionality if said remote network server unit is not available; and a software manager stored in said client storage device, wherein said software manager is configured to connect to said remote network server unit if said remote network server unit is available or to connect to said failover server if said remote network server unit is not available and to configure said network environment to appear to a user as though said client computer system is connected to said remote network server unit when said client computer system is connected to said failover server, as recited in claim 1. The failover server and software manager of Applicants' claimed invention allow the system to appear to a user as though it is still connected to a remote network server. In contrast, the Shimizu system requires the user to manually select the mode of operation through a dialog display (Shimizu -- col. 5, lines 38-46; Fig. 6). If the disconnected mode is selected, the system in Shimizu operates according to a "Day Pack" or "PPP & Day Pack" mode. In these modes there is no illusion that the system is still connected to the remote server (e.g. on the LAN). Whereas the fail-over server of Applicants' claimed invention appears to a user to be the remote server. Therefore, claim 1 is clearly not anticipated by Shimizu. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Shimizu clearly does not teach the identical invention as arranged in Applicants' claims.

Similar arguments apply in regard to independent claims 9 and 18.

Applicants also assert that numerous ones of the dependent claims recited further distinctions over Shimizu. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Section 103(a) Rejections:

The Office Action rejected claims 5-8, 13-17, 19 and 22-26 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Fujiwara (U.S. Patent 6,301,710). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 5-8, 13-17, 19 and 22-26 are patentable for at least the reasons given above in regard to their respective independent claims. Applicants also assert that these claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time. Applicants also note that the inclusion of claims 6, 7, 15, 17, 24 and 26 in this rejection is improper since the Examiner admits on p. 7 of the Office Action that the combination of Shimizu and Fujiwara alone does not teach the limitations of claims 6, 7, 15, 17, 24 and 26.

The Office Action rejected claims 5-8, 13-17, 19 and 22-26 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Fujiwara, and further in view of Novak et al. (U.S. Publication 2003/0037020) (hereinafter “Novak”). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 5-8, 13-17, 19 and 22-26 are patentable for at least the reasons given above in regard to their respective independent claims. Applicants also assert that these claims recited further distinctions over the cited art. However, since the independent

claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-42900/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees ().
- Other:

Respectfully submitted,



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